

EXHIBIT 7

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

CATHERINE ALEXANDER,

Plaintiff,

-vs-

TAKE-TWO INTERACTIVE SOFTWARE,
INC.; 2K GAMES, INC.; 2K SPORTS, INC.;
WORLD WRESTLING ENTERTAINMENT,
INC.; VISUAL CONCEPTS ENTERTAINMENT;
YUKE'S CO., LTD.; AND YUKE'S LA, INC.,

Defendants.

Case No. 3:18-cv-966-SMY-MAB

**DECLARATION OF JAMES MALACKOWSKI IN SUPPORT OF DEFENDANTS
TAKE-TWO INTERACTIVE SOFTWARE, INC., 2K GAMES, INC.,
2K SPORTS, INC., AND VISUAL CONCEPTS ENTERTAINMENT'S
MOTION FOR SUMMARY JUDGMENT**

I, James Malackowski, declare as follows:

1. I submit this declaration in support of Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., and Visual Concepts, Inc.'s (collectively, "Take-Two") motion for summary judgment.

2. I am Chairman and Chief Executive Officer of Ocean Tomo, LLC, which provides industry leading financial services related to intellectual property including financial expert testimony, valuation, and strategy consulting.

3. Ocean Tomo, LLC was retained by Take-Two to perform analyses in connection with this matter and was asked to analyze the form and amount of the appropriate compensation, if any, related to the allegations made by Catherine Alexander ("Alexander") of copyright infringement by Take-Two. To develop opinions regarding the amount of compensation appropriate for Alexander to receive from Take-Two in the event that it is determined that such compensation is appropriate, Ocean Tomo, LLC was asked to review certain financial, marketing, and other business data and related information in connection with this litigation.

4. Attached hereto as **Appendix A** is a true and correct copy of the expert report I prepared for this action, dated February 7, 2019.

5. As explained in greater detail in Exhibit A, there is no market for licensing the tattoos that appear in real life on wrestlers, and more generally athletes, that appear in video games and such a market is unlikely to develop.

6. I also prepared a rebuttal report analyzing the opinions Ryan Clark provided in the Expert Rebuttal Report of Ryan J. Clark expressing his opinions regarding my February 7, 2019 Report. Attached hereto as **Appendix B** is a true and correct copy of the rebuttal expert report that I prepared for this action, dated March 7, 2019.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4 day of November, 2019.



James Malackowski